

This listing of claims will replace all prior versions, and listings, of claims in the application.

Listing of Claims:

1-36 Canceled

37. (previously presented) A heat exchanger for use within a rotary kiln that includes a cylindrical steel shell with an internal refractory lining, said heat exchanger comprising a first, configuration and a second, installed configuration, said heat exchanger, in the first, loose configuration, comprising at least three loose, refractory legs, each one of the legs comprising:

a foot,

a distal end opposing the foot, and

a body extending between the foot and the distal end, each one of the legs is continuous between the foot and the distal end, thereby forming a single-leg unit, and said heat exchanger, in the second, installed configuration that is formed within the kiln from the loose legs, having:

each one of the continuous, single-leg units oriented substantially radially inwardly from proximate the shell, metallic members including a planar surface for receiving the feet of the legs, and

said distal ends being adjoining.

38. (currently amended) The heat exchanger of claim [[1]] 37 wherein each one of the distal ends contacts adjacent ones of the distal ends.

39. (currently amended) The heat exchanger of claim [[1]] 37 wherein each one of the distal ends is in close proximity to adjacent ones of the distal ends without direct contact therebetween.

40. (currently amended) The heat exchanger of claim [[3]] 39 wherein each one of the distal ends is separated from adjacent ones of the distal ends by a layer of mortar.

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Preliminary Amendment - First Action Not Yet Received

41. (currently amended) The heat exchanger of claim ~~[[1]]~~ 37 wherein the ends of the legs are separated by spacing members having a surface in contact with at least two of the legs.

42. (currently amended) The heat exchanger of claim ~~[[5]]~~ 41 wherein the spacing members are disposed between ends of adjacent legs.

43. (currently amended) The heat exchanger of claim ~~[[1]]~~ 37 wherein said distal ends are flat such that each one of the mating surfaces lack interlocking protrusions and recesses.

44. (currently amended) The heat exchanger of claim ~~[[1]]~~ 37 wherein said ends include protrusions and recesses.